

**Reprint
as at 12 March 2019**



Crimes Act 1961

Public Act 1961 No 43
Date of assent 1 November 1961
Commencement see section 1(2)

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

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- (2) It is a defence to a charge under subsection (1) if the person charged proves that,—
- (a) before the time he or she took the action concerned, he or she had taken reasonable steps to find out whether the young person was of or over the age of 16 years; and
 - (b) at the time he or she took the action concerned, he or she believed on reasonable grounds that the young person was of or over the age of 16 years.

Section 131B: inserted, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No 41).

Section 131B heading: amended, on 19 March 2012, by section 5(1) of the Crimes Amendment Act (No 3) 2011 (2011 No 79).

Section 131B(1A): inserted, on 19 March 2012, by section 5(2) of the Crimes Amendment Act (No 3) 2011 (2011 No 79).

132 Sexual conduct with child under 12

- (1) Every one who has sexual connection with a child is liable to imprisonment for a term not exceeding 14 years.
- (2) Every one who attempts to have sexual connection with a child is liable to imprisonment for a term not exceeding 10 years.
- (3) Every one who does an indecent act on a child is liable to imprisonment for a term not exceeding 10 years.
- (4) It is not a defence to a charge under this section that the person charged believed that the child was of or over the age of 12 years.
- (5) It is not a defence to a charge under this section that the child consented.
- (6) In this section,—
 - (a) **child** means a person under the age of 12 years; and
 - (b) doing an indecent act on a child includes indecently assaulting the child.

Section 132: replaced, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No 41).

133 Indecency with girl under 12

[Repealed]

Section 133: repealed, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No 41).

134 Sexual conduct with young person under 16

- (1) Every one who has sexual connection with a young person is liable to imprisonment for a term not exceeding 10 years.
- (2) Every one who attempts to have sexual connection with a young person is liable to imprisonment for a term not exceeding 10 years.

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- (3) Every one who does an indecent act on a young person is liable to imprisonment for a term not exceeding 7 years.
- (4) No person can be convicted of a charge under this section if he or she was married to the young person concerned at the time of the sexual connection or indecent act concerned.
- (5) The young person in respect of whom an offence against this section was committed cannot be charged as a party to the offence if the person who committed the offence was of or over the age of 16 years when the offence was committed.
- (6) In this section,—
 - (a) **young person** means a person under the age of 16 years; and
 - (b) doing an indecent act on a young person includes indecently assaulting the young person.

Section 134: replaced, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No 41).

134A Defence to charge under section 134

- (1) It is a defence to a charge under section 134 if the person charged proves that,—
 - (a) before the time of the act concerned, he or she had taken reasonable steps to find out whether the young person concerned was of or over the age of 16 years; and
 - (b) at the time of the act concerned, he or she believed on reasonable grounds that the young person was of or over the age of 16 years; and
 - (c) the young person consented.
- (2) Except to the extent provided in subsection (1),—
 - (a) it is not a defence to a charge under section 134 that the young person concerned consented; and
 - (b) it is not a defence to a charge under section 134 that the person charged believed that the young person concerned was of or over the age of 16 years.

Section 134A: inserted, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No 41).

135 Indecent assault

Every one is liable to imprisonment for a term not exceeding 7 years who indecently assaults another person.

Section 135: replaced, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No 41).